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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Timothy Paul Lucero,

12 Plaintiff,

13 v.

14 State of California, et al.,

15 Defendants.
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No. 2:23-cv-02844-KJM-CSK

ORDER

17 Plaintiff is incarcerated and is not represented by an attorney. The case is referred to the
18 assigned Magistrate Judge under this court's local rules. The previously assigned Magistrate
19 Judge dismissed the complaint with leave to amend. ECF No. 9. Plaintiff amended his
20 complaint, ECF No. 11, and the previously assigned Magistrate Judge recommended dismissing
21 the complaint without leave to amend, ECF No. 12, finding the amended complaint, like its
22 predecessor, does not "demonstrate that plaintiff has a sincerely held religious belief," *id.* at 4.
23 Plaintiff objects. ECF No. 14.

24 The court has reviewed the file de novo. Although plaintiff's professed beliefs are
25 unconventional and perhaps self-contradictory, a federal court cannot reject an otherwise viable
26 claim based on its assessment that a person's religious beliefs are irrational, unreasonable or
27 flawed. *See, e.g., Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 724 (2014). The court also
28 declines to make any decision based on its assessment of plaintiff's credibility or sincerity, at this

1 early stage of the case. The court **declines to adopt** the previously assigned Magistrate Judge's
2 recommendation to dismiss the amended complaint for failure to allege a sincerely held religious
3 belief. The matter is **referred back** to the assigned Magistrate Judge for all further pretrial
4 proceedings.

5 IT IS SO ORDERED.

6 DATED: February 24, 2025.

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UNITED STATES DISTRICT JUDGE